



Sen. James A. DeLeo

Filed: 4/11/2005

09400SB0630sam001

LRB094 04370 RSP 44283 a

1 AMENDMENT TO SENATE BILL 630

2 AMENDMENT NO. _____. Amend Senate Bill 630 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by changing Section
6 2605-335 as follows:

7 (20 ILCS 2605/2605-335) (was 20 ILCS 2605/55a in part)

8 Sec. 2605-335. Conviction information for private child
9 services or charitable organization.

10 (a) Upon the request of any private organization that
11 devotes a major portion of its time to the provision of
12 recreational, social, educational, or child safety services to
13 children, to conduct, pursuant to positive identification,
14 criminal background investigations of all of that
15 organization's current employees, current volunteers,
16 prospective employees, or prospective volunteers charged with
17 the care and custody of children during the provision of the
18 organization's services, and to report to the requesting
19 organization any record of convictions maintained in the
20 Department's files about those persons. The Department shall
21 charge an application fee, based on actual costs, for the
22 dissemination of conviction information pursuant to this
23 Section. The Department is empowered to establish this fee and
24 shall prescribe the form and manner for requesting and

1 furnishing conviction information pursuant to this Section.

2 Information received by the organization from the
3 Department concerning an individual shall be provided to the
4 individual. Any such information obtained by the organization
5 shall be confidential and may not be transmitted outside the
6 organization and may not be transmitted to anyone within the
7 organization except as needed for the purpose of evaluating the
8 individual. Only information and standards that bear a
9 reasonable and rational relation to the performance of child
10 care shall be used by the organization.

11 (b) Upon the request of any private organization that
12 collects, solicits, distributes, or otherwise has care or
13 control over funds to be used for any purpose recognized as
14 charitable under the General Not For Profit Corporation Act of
15 1986 or the United States Internal Revenue Code, pursuant to
16 positive identification, to conduct criminal background
17 investigations of all of that organization's current
18 employees, current volunteers, prospective employees, or
19 prospective volunteers charged with responsibility for any
20 aspect of the organization's funding or finances, and to report
21 to the requesting organization any record of convictions
22 maintained in the Department's files about those persons. The
23 Department shall charge an application fee, based on actual
24 costs, for the dissemination of conviction information
25 pursuant to this Section. The Department is empowered to
26 establish this fee and shall prescribe the form and manner for
27 requesting and furnishing conviction information pursuant to
28 this Section.

29 Information received by the organization from the
30 Department concerning an individual shall be provided to the
31 individual. Information obtained by the organization is
32 confidential and may not be transmitted outside of the
33 organization or to anyone within the organization, except as
34 needed for the purpose of evaluating the individual. Only

1 information and standards that bear a reasonable and rational
2 relation to a felony or to any criminal offense relating to
3 dishonesty or breach of trust shall be used by the
4 organization.

5 (c) Any employee of the Department or any member, employee,
6 or volunteer of the organization receiving confidential
7 information under this Section who gives or causes to be given
8 any confidential information concerning any criminal
9 convictions of an individual shall be guilty of a Class A
10 misdemeanor unless release of the information is authorized by
11 this Section.

12 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
13 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
14 eff. 8-14-98; 91-239, eff. 1-1-00.)".